

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KUMIKO MORIOKA,

Case No. 18-12365

Plaintiff,

SENIOR U.S. DISTRICT JUDGE
ARTHUR J. TARNOW

v.

NISSIN TRAVEL SERVICES (U.S.A.),
INC., ET AL.,

U.S. MAGISTRATE JUDGE
STEPHANIE DAWKINS DAVIS

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION [12] AND DISMISSING
COMPLAINT WITHOUT PREJUDICE**

On July 3, 2018, Plaintiff Kumiko Morioka filed a complaint in Wayne County Circuit Court against her employer, Nissan Travel Services, and her boss, Ichiro Sugimoto. On July 30, 2018, Defendant removed that case to federal court pursuant to 28 U.S.C. § 1332. [Dkt. # 1]. Several days later, on August 6, 2018, Defendant brought a Motion to Compel Arbitration [2] pursuant to the Federal Arbitration Act, 9 U.S.C. § 2. That motion was fully briefed, and was referred to the Magistrate Judge.

On December 28, 2018, following a November 1, 2018 hearing, the Magistrate Judge issued a Report and Recommendation (R&R) [12] granting the

Motion to Compel Arbitration and recommending that the case be dismissed without prejudice. The Magistrate Judge found that the arbitration clause in the employee handbook was a valid and enforceable waiver of Plaintiff's rights to a jury trial. Neither party objected to the R&R.

The Court having reviewed the record, the Report and Recommendation [12] is hereby **ADOPTED** and entered as the findings and conclusions of the Court. Accordingly,

IT IS ORDERED that the case is **DISMISSED WITHOUT PREJUDICE.**
SO ORDERED.

Dated: January 15, 2019

s/Arthur J. Tarnow
Arthur J. Tarnow
Senior United States District Judge